

Appl. No. 10/500,523
Amdt. Dated March 20, 2006
Reply to Office Action of December 19, 2005

REMARKS

General Remarks

The Applicant thanks the Office for its careful consideration of this application, and for its notice of allowable subject matter in claims 24-32, 13-17, 20-23, 39, 43-45. The applicant notes with concern that while no ground is provided for the rejection of claims 37, 40, 47-49, and 52, these claims were, none the less, rejected. The Applicant notes that without grounds for the rejections, the Office's burden of providing *prima facie* evidence to support its rejections has not been met, and respectfully requests that the Office withdraw its rejections.

Claim Objections

The Office has objected to claims 6, 18, 19, 37 and 40. The Applicant herein amends the application to cure those informalities noted by the Office. The applicant respectfully requests that the Office withdraw its objections to these claims.

Claim Rejections- 35 USC§102(b)

The Office rejected claims 1, 18, 19, 33, and 38 under 35 U.S.C. 102(b) as being anticipated by US Patent No. 3,961,716 issued to Renaud. A rejection based on anticipation requires that a single reference teach every element of the claim (MPEP § 2131). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Or stated in another way, a "claim is anticipated only if each and every element as set forth in the claim is found, . . . described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The applicant respectfully submits that the claims as amended are distinguishable from the '716 reference.

Regarding claim 1, the claim as amended recites "independently mounted first and second rear wheels", with the storage area "disposed between said first and said second rear wheels". In contrast to the claimed invention, the '716 reference does not disclose such a configuration. On

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the contrary, the '716 reference specifically discloses the use of a rear axel, and the disposition of the front wheels of a car disposed within the garage over those wheels. (See Col. 3, ll. 7-21). As the axle shaft 84 connects the wheels of the '716 reference, the storage area is not disposed between the wheels, but above the wheels which "directly support" the front wheels of the automobile.

Regarding claims 18 and 19 the Office alleges that the '716 reference discloses the claimed invention in its entirety. The applicant respectfully submits that this is not the case. The term "weight" appears 10 times in the '716 reference. In each reference to the term "weight" the '716 reference refers to the weight of the automobile stored within the vehicle, and the necessity to accommodate that weight. The solution offered by the '716 reference is the provision of a separate support or chassis independent of the vehicle chassis to support the weight of the automobile, and transfer it to the ground. Nowhere is it disclosed that the wet weight of the vehicle is less than 80%, and certainly never less than 65%, of the gross vehicle weight rating of the vehicle. This is in contrast to the unibody construction of the claimed invention where, by definition, no truck chassis is employed, furthermore, there is no indication that the vehicle of the '716 reference would have a wet weight of less than 80% of the gross vehicle weight rating. It simply is not there. Furthermore, The applicant has amended claim 18 to incorporate the subject matter of claim 20, namely, the unibody construction being from stressed skin foam core panels, acknowledged by the Office to be allowable in the Office Action to which the applicant herein responds.

Regarding claim 33 and 38, the applicant respectfully submits that the '716 reference fails to disclose a unibody construction of the vehicle. Indeed, it specifically discloses a chassis. "Unibody" or Monocoque (French for "single shell") is a construction technique that uses the external skin of an object to support some or most of the load on the structure. From en.wikipedia.org/wiki/Unibody. One skilled in the art will appreciate that this obviates the need for a truck chassis as disclosed in 1974 the '716 reference as such a chassis is a structural steel framework which supports the vehicle.

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At least for these reasons, the applicant asserts the claimed invention of claims 1, 18-19, 33, and 38, as amended, to be patentably distinct from the '716 reference. The Applicant therefore respectfully requests that the Office withdraw its rejection of these claims.

The Office has rejected claims 42 and 46 on the basis of US Patent No. 6,345,855 issued to Hanser et al. The applicant has carefully reviewed this reference, and respectfully disagrees. In contrast to the claimed invention, the cited reference does not disclose having opposing first and second extendible components which have floors that meet in the middle of the vehicle. Indeed, the actuation mechanism of the '855 reference would render such a configuration inoperable. The applicant therefore respectfully submits that claims 42 and 46, as amended, are patentably distinct from the '855 reference, and respectfully requests that the Office withdraw its rejection these claims.

Claim Rejections – 35 USC § 103

The Office has quoted the statute from 35 USC 103(a), which is referenced herein. The Office has rejected claim 6 as being unpatentable over US Patent No. 3,961,716 issued to Renaud in view of US Patent No. 5,393,094 issued to Wardavoir. Applicant has carefully considered the Office rejections and respectfully submits that the amended claims, as supported by the arguments herein, are distinguishable from the cited reference.

According to the MPEP §2143.01, "[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found in either the references themselves or in the knowledge generally available to one of ordinary skill in the art."

A useful presentation for the proper standard for determining obviousness under 35 USC §103(a) can be illustrated as follows:

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1. Determining the scope and contents of the prior art;
2. Ascertaining the differences between the prior art and the claims at issue;
3. Resolving the level of ordinary skill in the pertinent art; and
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

As articulated above, in contrast to the invention of claim 6, neither the '716 reference nor the '904 reference disclosed a unibody recreational vehicle having a storage area disposed between the independently mounted (i.e, not connected by an axle) back wheels. In addition to which, claim 6 also claims "a driver's steering console at a driver's station connected to a steerable front wheel suspension system providing directional control capability for said vehicle, said driver's steering console being retractable from said driver's station when not in use". Such a console is not disclosed by the '904 reference. In contrast to the claimed invention, the '904 reference fails to disclose the retraction of the steering "console", instead, the steering column is folded, but the console remains otherwise unaltered, taking up a significant portion of the passenger cab.

The Office rejected Claim 7 and 9 under 35 USC 103(a) as being unpatentable over the '716 reference in view of US Patent No. 6,135,532. The Applicant has carefully reviewed the cited references and respectfully disagrees. Both claims 7 and 9 are ultimately dependant from claim 12. As articulated above, the '716 reference fails to disclose the elements of claim 12. The '532 reference likewise fails to disclose a unibody recreational vehicle with a storage area disposed between the back wheels. The applicant respectfully submits that as the cited references, either alone, or in combination, fail to disclose the claimed invention of claims 7 and 9, these claims are patentably distinct from the cited references. The applicant, therefore, respectfully requests that the Office withdraw its rejection of these claims.

The Office rejected Claim 8 under 35 USC 103(a) as being unpatentable over the '716 reference in view of the '532 reference and US Patent No. 4,966,510 issued to Johnson, Jr. The Applicant has carefully reviewed the cited references and respectfully disagrees. As noted above the '716 reference either alone or in combination with the '532 and '510 references, does disclose those

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features recited above, *inter alia*, a storage compartment disposed between the independently mounted back wheels of a unibody recreational vehicle. The '510 in particular discloses a trailer (not a self propelled recreational vehicle) with storage units for golf carts (not disposed between independently mounted wheels of a recreational vehicle). The '510 clearly does not supply those deficiencies already noted with regard to the '716 reference. The applicant, therefore, respectfully requests that the Office withdraw its rejection of this claim.

The Office rejected claims 2-5, and 12 under 35 USC 103(a) as being unpatentable over the US Patent No. 6,447,048 issued to Crean in view of US Patent No. 5,170,901 issued to Bersani and with respect to claims 3-5 in further view of the '855 reference. The applicant respectfully submits that the claims, as amended, are patentably distinct from the cited references, either alone, or taken in combination. The applicant has amended claim 12, from which claims 2-5 depend, to incorporate the limitations of previously allowed claim 13, which has been cancelled. At least for this reason, the applicant respectfully submits that these claims are patentably distinct from the cited references, and requests that the Office withdraw its rejections of these claims.

The applicant therefore respectfully submits that the claims pending in this application are not unpatentable in light of the cited references, and request timely reconsideration and notice of allowance of the claims.

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The applicant respectfully requests that the Office call the undersigned attorney to resolve any unresolved issues relating to the allowance of this case. The applicant suggests that this will be the most expedient and efficacious way of correcting any remaining issues.

Applicant believes the above amendments and remarks to be fully responsive to the Office Action, thereby placing this application in condition for allowance. No new matter is added. Applicant requests speedy reconsideration, and further requests that Examiner contact its attorney by telephone, facsimile, or email for quickest resolution, if there are any remaining issues.

Respectfully submitted,



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